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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,538	08/16/2001	Steven Dale Goodman	RPS9 2001 0043	3276
25299	7590	11/04/2004	EXAMINER	
IBM CORPORATION PO BOX 12195 DEPT 9CCA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			DU, THUAN N	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,538

Applicant(s)

GOODMAN ET AL.

Examiner

Thuan N. Du

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 1,2,6 and 7 is/are rejected.
- 7) ☒ Claim(s) 3 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment filed 8/9/04.
2. Claims 1-8 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Applicant is hereby requested to update the status of all co-pending applications indicated in the instant application.

Drawings

5. The drawings are objected to (Fig. 1) because the "Y" from step 102 to step 103 should be a -- N -- and the "N" from step 102 to step 104 should be a -- Y -- as described in the specification, page 9, lines 5-17 (especially lines 7-8 and 15). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be

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labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. Applicant's arguments filed 8/9/04 with respect to the drawings have been fully considered but they are not persuasive. Applicant argued that "when an update message is present (step 102), that is when the verification process of steps 103 and 105 is performed." Examiner agrees with applicant that when an update message is present (step 102), that is when the verification process is performed. However, Fig. 1 and specification clearly shows and describes that the verification process is performed through steps 104 and 105 NOT 103 and 105. Therefore, the objection of the drawings is respectfully maintained.

Claim Rejections - 35 USC § 103

7. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admission of prior art [AAPA] and Akiyama et al. [Akiyama] (U.S. Patent No. 6,463,155).

8. Regarding claim 1, AAPA teaches a method for re-booting an operating system software in a data processing system, comprising the steps of:

performing a signature verification on a remainder of the BIOS image [application's specification, p. 3, lines 5-13]; and

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proceeding with re-boot of the operating system software if the signature verification correctly verifies the remainder of the BIOS image [application's specification, p. 3, lines 11-13].

AAPA does not explicitly teach the step of determining whether a buffer contains a message indicating that a BIOS image for the data processing system was previously updated.

In summary, AAPA's system may perform the signature verification every time the BIOS is used. AAPA does not explicitly teach the signature verification step is to be performed only when needed.

Akiyama teaches a method of performing a signature verification process comprising the step of determining a buffer (reception contract information) contains a message (ID) indicating that an update need to be performed [col. 32, lines 39-44]. In summary, Akiyama teaches that the signature verification step is performed only when needed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of AAPA to perform the signature verification process only when needed. The modification would speed up AAPA's boot process because the signature verification process is not performed every time the system boots up.

9. Regarding claim 2, AAPA teaches that the system is re-booted if the signature is valid [application's specification, p. 3, lines 11-13]. Therefore, inherently, the system will not re-booted if the signature is invalid.

10. Regarding claims 6-7, AAPA and Akiyama together teach the claimed method steps. Therefore, AAPA and Akiyama together teach the computer program product for carrying out the claimed method steps.

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Allowable Subject Matter

11. Claims 4-5 are allowed.
12. Claims 3 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday and Wednesday-Friday: 10:00 AM - 8:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (703) 872-9306.



Thuan N. Du
October 28, 2004